

## CHAPTER 5. CIVIL DEFENSE AND EMERGENCIES

### Section 505 - Civil Defense and Emergency Regulations

#### 505.01 Policy and Purpose.

Subd. 1 **Necessary Precautions.** Because of possible disasters resulting from enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake or other natural causes, and in order to ensure that preparations of the City will be adequate to deal with such disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the City, it is hereby found and declared to be necessary:

- A. To establish a local organization for civil defense.
- B. To provide for the exercise of necessary powers during civil defense emergencies.
- C. To provide for the rendering of mutual aid between the City and other political subdivisions of this State and of other states with respect to the carrying out of civil defense functions.

Subd. 2 **Coordination with Other Jurisdictions.** It is further declared to be the purpose of this Section and the policy of the City that all civil defense functions of the City be coordinated to the maximum extent practicable with the comparable functions of the federal government, of this State, and of other states and localities, and of private agencies of every type, to the end that the most effective preparations and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

**505.02 Definitions.** Unless the context clearly indicates otherwise, the following terms have the meanings given in this Section:

**Civil Defense.** The preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or natural causes. These functions include, without limitation, fire-fighting services, police services, medical health services, rescue, engineering, air-raid warning services, communications, radiological, chemical and other weapons defense, evacuations of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to preparation for and carrying out of the foregoing functions.

**Civil Defense Emergency.** An emergency declared by the Governor under M.S. 12.31, or an emergency proclaimed by the Mayor under Subsection 505.05.

**Civil Defense Forces.** Any personnel employed by the City and any other volunteer or paid member of the local civil defense agency engaged in carrying on civil defense functions in accordance with the provisions of this Section or any rule or order thereunder.

**505.03 Establishment of Civil Defense Agency.** There is hereby created within the City government a civil defense agency, which shall be under the supervision and control of a director of civil defense (hereinafter called the "Director"). The Director shall be appointed by the Mayor for an indefinite term and may be removed by the Mayor at any time. The Director may be compensated at a rate to be determined by the Council and the Director shall be paid necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the civil defense agency, subject to the direction and control of the Mayor. The civil defense agency shall be organized into such divisions and bureaus, consistent with State and local civil defense plans, as the Director deems necessary to provide the efficient performance of local civil defense functions during a civil defense emergency. The civil defense agency shall perform civil defense functions within the City and in addition shall conduct such functions outside the City as may be required pursuant to the provisions of M.S. Chapter 12, or this Section.

**505.04 Powers and Duties of Director.**

Subd. 1 **Mutual Aid Agreements.** The Director shall develop for Council approval proposed mutual aid agreements with other political subdivisions with or outside the State for reciprocal civil defense aid and assistance in an emergency.

Subd. 2 **Studies and Surveys to Determine Adequacy for Civil Defense.** The Director shall make such studies and surveys of the manpower, industries, resources, and facilities of the City as the Director deems necessary.

Subd. 3 **Comprehensive General Plan.** The Director shall prepare a comprehensive general plan for the civil defense of the City and shall present such plan to the Council for approval.

Subd. 4 **Training, Administration, and Command of Resources.** The Director shall, in cooperation with existing City departments and agencies affected, organize, recruit, and train auxiliary police, auxiliary firefighters, emergency medical personnel, and any other personnel that may be required on a volunteer basis to carry out the civil defense plans of the City and the State. Such volunteer shall not be considered an employee as defined by Section 150 of this Code.

Subd. 5 **Equipment and Facilities.** The Director shall provide and equip ambulances, evacuation centers, and other facilities or conveyances for the care of injured or homeless persons.

Subd. 6 **Governor's Orders.** The Director shall carry out orders, rules and regulations issued by the Governor with reference to civil defense.

Subd. 7 **Emergency Operation Center.** Consistent with the civil defense plan, the Director shall provide and equip at some suitable place in the City a Emergency Operation Center and, if required by the State civil defense plan, an auxiliary control

center to be used during a civil defense emergency as headquarters for direction and coordination of civil defense forces. The Director shall arrange for representation at the control center by municipal departments and agencies, public utilities and other agencies authorized by federal or State authority to carry on civil defense activities during a civil defense emergency.

**Subd. 8 Manpower, Equipment and Property During a Civil Defense Emergency.** During the first 30 days of a civil defense emergency, if the State legislature is in session or the Governor has coupled a declaration of the emergency with a call for a special session of the State legislature, the Director, when necessary to save life or property, may require any person, except members of the federal or State military forces and officers of the State or any other political subdivision, to perform services for civil defense purposes and the Director may commandeer, for the time being, any motor vehicle, tools, appliances or any other property, subject to the owner's right to just compensation as provided by State law.

### **505.05 Emergency Regulations.**

**Subd. 1 Definition of Civil Defense Emergency.** When used in this Subsection, the term "civil defense emergency" includes, in addition to the meaning given in Subsection 505.02, Subd. 2, disasters caused by fire, flood, windstorm or other natural causes.

**Subd. 2 Mayor to Promulgate Regulations.** Whenever necessary to meet a civil defense emergency for which adequate regulations have not been adopted by the Governor or the Council, the Mayor may by proclamation promulgate regulations, consistent with applicable federal or State laws or regulations to protect public safety, health, and welfare in civil defense emergencies.

**Subd. 3 Written Proclamation of Regulations.** Every proclamation of emergency regulations shall be in writing and signed by the Mayor, shall be dated, shall refer to the particular civil defense emergency to which it pertains, if so limited, and shall be filed in the office of the Clerk, where a copy shall be kept posted and available for public inspection during business hours. Thereupon the regulation shall take effect immediately or at such later time as may be specified in the proclamation. By like proclamation the Mayor may modify or rescind any such regulation.

**Subd. 4 Rescinding Emergency Regulations.** The Council may rescind any such regulation by resolution at any time. If no sooner rescinded, every such regulation shall expire at the end of 30 days after its effective date or at the end of the civil defense emergency to which it relates, whichever occurs first. Any provision of this Code, rule or regulation inconsistent with an emergency regulation promulgated by the Mayor shall be suspended during the period of time and to the extent that such conflict exists.

**Subd. 5 Contracts.** During a civil defense emergency the City is, notwithstanding any Statute or provision of this Code to the contrary, empowered, through its governing body acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property, and providing emergency assistance to the victims of such disaster. The City may exercise such powers in the light of the exigencies of the disaster without

compliance with time-consuming procedures and formalities prescribed by State Law pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of ordinances and resolutions, publication of calls for bids, provisions of civil service laws and rules, provisions relating to low bids, and requirements for budgets.

#### **505.06 Civil Defense Agency Procedure.**

Subd. 1 **Civil Defense Fund.** There is hereby established in the City treasury a special fund to be known as the civil defense fund. Into this fund shall be placed the proceeds of taxes levied for civil defense, money transferred from other funds, gifts and other revenues of the civil defense agency. From it shall be made expenditures for the operation and maintenance of the civil defense agency and other expenditures for civil defense. Regular accounting, disbursement, purchasing, budgeting and other financial procedures of the City shall apply to the civil defense fund insofar as practicable; but budgeting requirements and other financial procedures shall not apply to expenditures from the fund in any case when their application will prevent compliance with terms and conditions of a federal or State grant of money or property for civil defense purposes.

Subd. 2 **Annual Comprehensive Report.** The Director shall, as soon as possible after the end of each fiscal year, prepare and present to the Council for the information of the Council and the public, a comprehensive report of the activities of the civil defense agency during the year.

**505.07 Participation in Labor Dispute or Politics.** The civil defense agency shall not participate in any form of political activity nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

*History: Ord 502 codified 1970*

*Reference: M.S. Chapter 12, 12.31*

*Cross Reference: Section 150*